

## **REMARKS**

Claims 1, 6-11, 23, 26-30, 36, 38-40, 43, 45, 46, 53, 58, and 59 are under consideration. Claims 2-5, 12-22, 24, 25, 31-35, 37, 41, 42, 44, 47-52, 54-57, and 60-65 are canceled in order to expedite the further prosecution of this application.

Claims 1 and 26 are amended in accordance with the Examiner's helpful suggestions for purposes of clarification. Claim 17 is canceled as redundant.

The rejection of claims 1, 6-10, 17, 23, 26-30, 36, 38-40, 43, 45, 46, 53 and 58 under 35 U.S.C. 102(a) as anticipated by Luo et al. is not warranted, and is hereby traversed.

This application claims, and is entitled to, the benefit of U.S. Serial No. 10/509,457 filed on 8 October 2003. The date of the Luo et al. reference, co-authored by the present applicants Luo, Xiang and Reisfeld, was published on line on 11 July 2003 and in print on 22 July 2003.

As shown by the accompanying Declaration Under Rule 131, the presently claimed invention was completed in the United States prior to 11 July 2003. This Declaration states further that co-authors Zhon, M. Mizutani and N. Mizutani did not contribute to the claimed invention, but were included as co-authors because of their contributions as authors to the discussion in published scientific article. Accordingly Luo et al. is not available as a reference under 35 U.S.C. 102(a).

The Declaration Under Rule 131 could not have been submitted earlier because Luo et al. was cited for the first time in the Office Action dated 10/08/2008.

Likewise, Luo et al. is not available as a reference under 35 U.S.C. 103(a) vis-a-vis claims 1, 11, 53 and 59. Accordingly, the rejection of claims 1, 11, 53 and 59 under 35 U.S.C. 103(a) should be withdrawn as well.

The present amendments to the claims, the Declaration Under Rule 131, and the accompanying discussion are deemed to dispose of all issues in this case, and to place this

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application in condition for allowance. Accordingly, entry of this Amendment and Response is requested. Early passing of this application to issue is solicited.

Respectfully submitted,

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Enclosure: Declaration Under Rule 131